IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929

CRL.REF.No. 14 of 2007

(S.C. 926/2005 OF SESSIONS COURT, THIRUVANANTHAPURAM - CRIME NO. 152/94 OF NEDUMANGAD POLICE STATION, C.P. 140/2007 OF JFMC. II, NEDUMANGAD)

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APPELLANT/ACCUSED:

REPORT FROM THE SESSIONS JUDGE, THIRUVANANTHAPURAM.

RESPONDENTS:

STATE OF KERALA, REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRT. GIKKU JACOB

THIS CRIMINAL REFERENCE HAVING COME UP FOR ADMISSION ON 18/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J

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Crl.Ref.No.14 Of 2007

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Dated this the 18th day of October, 2007

ORDER

This reference has been registered on the basis of the report dated 3.8.07 submitted by the learned Sessions Judge Trivandrum. The relevant circumstances are all explained in the report dated 3.8.07 submitted by the learned Sessions Judge. I am satisfied in these circumstances that the prayer can be allowed. Accordingly it is directed as follows:

i) All steps taken by the Judicial First Class Magistrate- II Nedumangad for the trial of C.C.No.101/2004 shall stand quashed.

ii) The learned Magistrate shall commit the said case forthwith to the learned Sessions Judge under Section 323 Cr.P.C.

iii) The learned Sessions Judge shall immediately take steps to direct that the said case after committal shall be tried afresh along with S.C.No.926/2005 pending before the learned Sessions Judge. Fresh charges shall be framed and all steps taken in the trial of S.C.No.926/2005 so far shall stand quashed.

2. This reference is answered accordingly.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE